

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:)	Administrative Cause
)	Number: 16-015T
EXPIRATION OF 312 IAC 6.5:)	
OFF-ROAD VEHICLES & SNOWMOBILES)	

RECOMMENDATION FOR FINAL ACTION ON RULE EXPIRATION

A. INTRODUCTION

For consideration is the expiration of 312 IAC 6.5 in its entirety. This article assists with the registration of off-road vehicles (“ORV”) and snowmobiles under IC 14-16-1 (attached). 312 IAC 6.5 has been attached hereto and can be accessed through the Indiana General Assembly’s website at:

<http://www.in.gov/legislative/iac/T03120/A00065.PDF>.

312 IAC 6.5 is set to expire on January 1, 2017. Consistent with the Commission’s long standing practice, the Director of the Division of Hearings granted preliminary adoption for the readoption of 312 IAC 6.5 on February 3, 2016. Upon review it has been determined that 312 IAC 6.5 will become obsolete on January 1, 2017, when sections of IC 14-16-1 expire. For that reason it is now submitted for consideration and final action by the Commission to allow expiration of the article.

B. ANALYSIS AND DNR RECOMMENDATION

Dale Brier (“Brier”), Streams and Trails Specialist for DNR’s Division of Outdoor Recreation, was appointed Small Business Regulatory Coordinator for the rule. He provided analyses of the potential impact of expiration of the rule. The following sections of IC 14-16-1 will expire January 1, 2017: IC 14-16-1-1.8, IC 14-16-1-8, IC 14-16-1-9,

IC 14-16-1-9.5, IC 14-16-1-10, IC 14-16-1-11, IC 14-16-1-11.5, IC 14-16-1-13 and IC 14-16-1-14. Brier found that, due to the expiration, DNR no longer has control or involvement with the registration of ORVs or snowmobiles. As of January 1, 2017, registration requirements for ORVs and snowmobiles will be under the authority of the Indiana Bureau of Motor Vehicles (“BMV”). Brier’s analysis also considered other rules applicable to DNR that address ORVs and snowmobiles on snowmobile trails, 312 IAC 7, and ORVs and snowmobiles on DNR properties, 312 IAC 8-2-7. Brier determined that expiration of 312 IAC 6.5 will have no impact on those rules or on other DNR activities.

Because 312 IAC 6.5-1-6 provides an opportunity for review of an order issued by DNR, Sandra Jensen, the Director of the Commission’s Division of Hearings considered the appropriateness of allowing the expiration of this Article, and concurred in the recommendation to allow 312 IAC 6.5 to expire. DNR’s Law Enforcement Division, by Col. Danny East, was also contacted and reported that he saw no need to retain 312 IAC 6.5. Joe Hoage, General Counsel for the DNR, also concurred.

The hearing officer recommends that the Commission approve expiration of 312 IAC 6.5.

Dated: February 25, 2016

Dawn Wilson
Hearing Officer

ARTICLE 6.5. OFF-ROAD VEHICLES AND SNOWMOBILES

Rule 1. Registration

312 IAC 6.5-1-1 Purpose

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 14-16-1

Sec. 1. The purpose of this rule is to assist with the registration of an off-road vehicle or snowmobile under IC 14-16-1. *(Natural Resources Commission; 312 IAC 6.5-1-1; filed Aug 31, 2004, 2:30 p.m.: 28 IR 15; readopted filed May 26, 2010, 10:35 a.m.: 20100609-IR-312100051RFA)*

312 IAC 6.5-1-2 Definitions

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 14-8

Sec. 2. In addition to the definitions in IC 14-8, IC 14-16-1, and 312 IAC 1, the following definitions apply throughout this rule:

- (1) "Dealer registration" means a certificate of registration issued under IC 14-16-1-16 to a dealer or a manufacturer.
- (2) "Decal" means a sticker or similar document to identify a vehicle's registration number under IC 14-16-1-9 and IC 14-16-1-11.5.
- (3) "Division" means the department's division of accounting.
- (4) "Interim certificate of registration" means a written instrument sufficient to support an intent to renew or register an off-road vehicle or a snowmobile.

(Natural Resources Commission; 312 IAC 6.5-1-2; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16; readopted filed May 26, 2010, 10:35 a.m.: 20100609-IR-312100051RFA)

312 IAC 6.5-1-3 Interim certificate of registration

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 14-16-1

Sec. 3. (a) Upon the purchase of a vehicle or the renewal of a vehicle previously registered, an operator must apply to the department for an interim certificate of registration. The application may be made on-line with the assistance of a dealer or in person at the division's offices in Indianapolis. The application must include the following information:

- (1) Name.
- (2) Address.
- (3) Date of purchase of a vehicle or date of expiration of a registration for a vehicle registered previously.
- (4) Year.
- (5) Make.
- (6) Model.
- (7) Vehicle identification number.

(b) An interim certificate of registration shall be issued on a form approved by the division. The interim certificate of registration expires:

- (1) thirty-one (31) days after the date of purchase; or
- (2) for a vehicle registered previously, thirty-one (31) days after renewal of the registration.

(Natural Resources Commission; 312 IAC 6.5-1-3; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16; readopted filed May 26, 2010, 10:35 a.m.: 20100609-IR-312100051RFA)

312 IAC 6.5-1-4 Decals

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 14-16-1

Sec. 4. (a) The department shall design and approve the following decals that:

- (1) Have a unique identification number for each registration.
- (2) Are differently colored than those used in the previous year.
- (3) Can be easily identified and verified by a law enforcement officer.

(b) An owner or operator must attach two (2) decals that are each clearly visible for identification, with one (1) on each side of the forward half of the vehicle. A dealer or manufacturer may display the decals on an attached but removable sign. (*Natural Resources Commission; 312 IAC 6.5-1-4; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16; readopted filed May 26, 2010, 10:35 a.m.: 20100609-IR-312100051RFA*)

312 IAC 6.5-1-5 Fees

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 14-16-1

Sec. 5. In addition to the fees established by IC 14-16-1, the following fees apply:

- (1) Thirty dollars (\$30) for each registration renewal requested under IC 14-16-1-11.
- (2) Six dollars (\$6) for each replacement decal requested under IC 14-16-1-11.5(b).
- (3) Fifteen dollars (\$15) for each change of address requested under IC 14-16-1-14(d).
- (4) Thirty dollars (\$30) for each transfer of ownership requested under IC 14-16-1-14(e).
- (5) Fifteen dollars (\$15) for each duplicate certificate requested under IC 14-16-1-15.
- (6) Thirty dollars (\$30) for each of the first two (2) registrations requested by a manufacturer or dealer under IC 14-16-1-16(a).
- (7) Thirty dollars (\$30) for each registration requested by a manufacturer or dealer under IC 14-16-1-16(a) that is subsequent to those requested under subdivision (6).

(*Natural Resources Commission; 312 IAC 6.5-1-5; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16; filed Mar 4, 2008, 12:27 p.m.: 20080402-IR-312070542FRA; readopted filed May 26, 2010, 10:35 a.m.: 20100609-IR-312100051RFA*)

312 IAC 6.5-1-6 Administrative review

Authority: IC 14-10-2-4; IC 14-16-1

Affected: IC 4-21.5

Sec. 6. An owner or operator may seek administrative review, under IC 4-21.5 and 312 IAC 3-1, of an order issued by the department under this rule. (*Natural Resources Commission; 312 IAC 6.5-1-6; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16; readopted filed May 26, 2010, 10:35 a.m.: 20100609-IR-312100051RFA*)

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Statutes expiring January 1, 2017

IC 14-16-1-8

"Collector snowmobile"

Sec. 1.8. (a) This section expires January 1, 2017. (b) As used in this chapter, "collector snowmobile" means a snowmobile that is:

- (1) at least twenty-five (25) years old; and
- (2) owned and operated as a collector snowmobile for participation in special events of limited duration, including races, parades, and other group events.

As added by P.L.86-2010, SEC.5. Amended by P.L.259-2013, SEC.30.

IC 14-16-1-8

Registration; requirement; exemptions

Sec. 8. (a) Except as otherwise provided, the following may not be operated on public property unless registered:

- (1) An off-road vehicle.
- (2) A snowmobile (including a collector snowmobile).
- (b) Except as provided under subsection (c), the following must be registered under this chapter:
 - (1) A vehicle that is purchased after December 31, 2003.
 - (2) A collector snowmobile.
- (c) Registration is not required for the following vehicles:

- (1) An off-road vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.
 - (2) A vehicle being operated by a nonresident of Indiana as authorized under section 19 of this chapter.
 - (3) A vehicle being operated for purposes of testing or demonstration with temporary placement of numbers as set forth in section 16 of this chapter.
 - (4) A vehicle the operator of which has in the operator's possession a bill of sale from a dealer or private individual that includes the following:
 - (A) The purchaser's name and address.
 - (B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale.
 - (C) The make, model, and vehicle number of the vehicle provided by the manufacturer as required by section 13 of this chapter.
 - (5) A vehicle that is owned or leased and used for official business by:
 - (A) the state;
 - (B) a municipal corporation (as defined in IC 36-1-2-10); or
 - (C) a volunteer fire department (as defined in IC 36-8-12-2).
- (d) This section expires January 1, 2017.
As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.41; P.L.225-2005, SEC.12; P.L.86-2010, SEC.6; P.L.25-2011, SEC.1; P.L.259-2013, SEC.31

IC 14-16-1-9

Registration; application, issuance, and certificate

Sec. 9. (a) The owner of each vehicle required to be registered under this chapter must do the following every three (3) years:

- (1) File an application for registration with the department on forms provided by the department.
 - (2) Sign the application.
 - (3) If the off-road vehicle is purchased after December 31, 2003, include a copy of:
 - (A) the bill of sale; or
 - (B) the certificate of title;for the off-road vehicle.
 - (4) Include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct.
 - (5) Pay a fee of thirty dollars (\$30).
- (b) Upon receipt of an application in approved form, the department shall enter the application upon the department's records and issue to the applicant the following:
- (1) A certificate of registration containing the following:
 - (A) The number awarded to the vehicle.
 - (B) The name and address of the owner.
 - (C) Other information that the department considers necessary.
 - (2) Two (2) decals indicating the vehicle's registration number and the year in which the registration will expire that must be attached to the vehicle as provided in section 11.5 of this chapter.
- (c) A certificate of registration must:
- (1) be pocket size;
 - (2) accompany the vehicle; and
 - (3) be made available for inspection upon demand by a law enforcement officer.
- (d) When the registration under this chapter of an off-road vehicle or snowmobile expires after December 31, 2013, the owner of the vehicle must register the off-road vehicle or snowmobile under IC 9-18-2.5.
- (e) This section expires January 1, 2017.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.42; P.L.25-2011, SEC.2; P.L.259-2013, SEC.32.

IC 14-16-1-9.5

Registration; certificate of title for off-road vehicle

Sec. 9.5. (a) This section expires January 1, 2017.

(b) Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2.

As added by P.L.219-2005, SEC.17. Amended by P.L.259-2013, SEC.33

IC 14-16-1-10

Use of revenues

Sec. 10. (a) The revenues obtained under this chapter shall be deposited into the off-road vehicle and snowmobile fund under IC 14-16-1-30.

(b) This section expires January 1, 2017.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.43; P.L.259-2013, SEC.34.

IC 14-16-1-11

Display of registration decals; registration expiration

- Sec. 11. (a) The department may adopt rules for the size and placement of registration decals upon vehicles.
- (b) Not earlier than ninety (90) days before the expiration date of a certificate, a registration renewal decal or other device may be issued indicating that the certificate of registration is in full force and effect. The department shall adopt rules under IC 4-22-2 prescribing the display of the decal or other device.
- (c) An initial certificate of registration and a renewal of a certificate awarded under this chapter expires three (3) years from the date of purchase of the certificate unless the certificate is canceled.
- (d) The department may:
- (1) award a certificate of number directly; or
 - (2) authorize a person to act as the department's agent for the awarding.
- (e) This section expires January 1, 2017.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.44; P.L.259-2013, SEC.35.

IC 14-16-1-11.5

Decal placement; decal replacement

- Sec. 11.5. (a) The owner of a vehicle shall attach the decals issued under section 9 of this chapter on the forward half of the vehicle. All decals shall be maintained in a legible condition and displayed only for the period for which the registration is valid.
- (b) If a registration decal is lost or destroyed, the owner may apply for a duplicate on forms provided by the department. An application submitted under this subsection must be accompanied by a fee established by the department for each decal. Upon receipt of a proper application and the required fee, the department shall issue a duplicate registration decal to the owner.
- (c) This section expires January 1, 2017.

As added by P.L.186-2003, SEC.45. Amended by P.L.259-2013, SEC.36.

IC 14-16-1-13

Vehicle number

- Sec. 13. (a) This section expires January 1, 2017.
- (b) A manufacturer of a vehicle shall stamp into the frame of the vehicle the vehicle number, which is an identifying number unique to the vehicle. The number shall be stamped where the number is easily visible with a minimum of physical effort. A manufacturer shall furnish to a requesting police agency or the department information as to the location of vehicle numbers on vehicles the manufacturer produces. The vehicle number shall be printed on the registration certificate issued by the department to the vehicle owner.

As added by P.L.1-1995, SEC.9. Amended by P.L.259-2013, SEC.37.

IC 14-16-1-14

Surrender and transfer of certificate

- Sec. 14. (a) The owner of a vehicle required to be registered under this chapter shall notify the department within fifteen (15) days if any of the following conditions exist:
- (1) The vehicle is destroyed or abandoned.
 - (2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.
 - (3) The owner's address no longer conforms to the address appearing on the certificate of registration.
- (b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.
- (c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.
- (d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee established by the commission, a certificate of registration bearing the new information shall be returned to the owner.
- (e) The transferee of a vehicle registered under this chapter shall, within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of registration issued to the vehicle. The transferee shall provide the transferee's name and address and the number of the vehicle and pay to the department a fee established by the department. Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vehicle to the new owner. Unless the application is made and the fee paid within fifteen (15) days, the vehicle is considered to be without a certificate of registration and a person may not operate the vehicle until a certificate is issued.
- (f) This section expires January 1, 2017.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.46; P.L.246-2005, SEC.117; P.L.259-2013, SEC.38..

IC 14-16-1-15

Duplicate certificates

Sec. 15. (a) This section expires January 1, 2017.

(b) If a certificate of registration is lost, mutilated, or illegible, the owner of the vehicle may obtain a duplicate of the certificate upon application and payment of a fee established by the commission.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.47; P.L.246-2005, SEC.118; P.L.259-2013, SEC.39.

IC 14-16-1-16

Certificates for testing or demonstrating vehicles

Sec. 16. (a) A dealer or manufacturer may obtain certificates of registration for use in the testing or demonstrating of vehicles upon the following:

(1) Application to the department upon forms provided by the department.

(2) Payment of a fee established by the department for each of the first two (2) registration certificates. Additional certificates that the dealer requires may be issued for a fee established by the commission.

(b) An applicant may use a certificate issued under this section only in the testing or demonstrating of vehicles by temporary placement of the numbers on the vehicle being tested or demonstrated. A certificate issued under this section may be used on only one (1) vehicle at any given time. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate issued under this section is valid for three (3) years.

(d) This section expires January 1, 2017.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.48; P.L.246-2005, SEC.119; P.L.259-2013, SEC.40.